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| 09/475,719      | 12/30/1999  | W. LEO HOARTY        | 1436/139            | 6764             |

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EXAMINER

HUYNH, SON P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/475,719

Applicant(s)

HOARTY, W. LEO

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

2. The disclosure is objected to because of the following informalities: "serial no. 08/877,325" should be replaced as – serial no. 07/877,325. Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to because the numbers in the drawing are unclear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Double Patenting***

4. Claims 1 - 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Hoarty et al. (US 5,526,034).

Regarding claim 1, Hoarty, in claims 34 and 40, which depend on independent claim 31, of patent '034, recites a home interface control means, reads on home interface controller, in an interactive television information system as being claimed in claim 1, the node means reads on the interactive controller as claimed.

Regarding claim 2, Hoarty, in claim 31 of patent '034, recites the data transceiver is operative in a communication link over the network (see col. 25, lines 3+).

Regarding claim 3, Hoarty recites a home interface controller as discussed in the rejection of claim 2. It is obvious that the data communication link is operative at a radio frequency independent of any frequency used for telecommunication over the network in order to prevent interference.

Regarding claim 4, Hoarty, in claims 34 and 40, recites the information signal provided by the node means is transmitted on the network to the subscriber television, the node means comprises signal assignment means, on an affirmative determination by the activity detection means, assigning a television information signal to the home

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interface control means and communicating signal assignment data over the data communications link to the one of the home interface control means associated with a set top controller in communication with a channel control means that has made an interactive mode selection (see col. 25, line 1+). It is obvious that the home interface controller comprises a television input for receiving the signal capable of full motion video from the assign one of the controller and a signal output for providing the signal capable of full motion video to the subscriber television in order to deliver signal from the headend to subscriber for displaying on the TV screen.

Regarding claim 5, Hoarty recites the data transceiver is operative in a communication link over network as discussed in the rejection of claim 2.

Regarding claim 6, Hoarty recites the data communication link is operative at a radio frequency independent of any frequency used for telecommunication over the network as discussed in the rejection of claim 3.

Regarding claim 7, Hoarty, in claims 1 of patent '034, recites a home interface controller means, reads on home interface controller, in an interactive television information system as being claimed in claim 1, the node means reads on the interactive processes as claimed. It is obvious that the television signal capable of full motion video in order to provide full motion video to users.

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Regarding claim 8, Hoarty recites a home interface controller as discussed in the rejection of claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tuner coupled to the television input for tuning to the signal selected by the input device in order to receive only selected signal.

Regarding claim 9, Hoarty recites a home interface controller as discussed in the rejection of claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a processor couple to the television input in order to decompress a compressed signal capable of full motion video and provide the decompressed signal to the signal output.

Regarding claim 10, Hoarty recites a home interface controller as discussed in the rejection of claim 7. As a result, the interactive process provides digital full motion video.

5. Allowance of claims 1-10 would result in an un-warranted time wise extension of the monopoly granted for the invention as defined in claims 1, 31, 34 and 40. Therefore, double patenting rejection is properly applied.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paik et al. (US 5,136,411).

Regarding claim 1, Paik discloses a CATV system comprises headend terminal 10, distribution terminal 12 and subscriber terminal 14 (see figure 1). Head end terminal 12 comprises multiple source signals conditioning unit 26 connected parallel with digital switch 40 in transmission unit 28. The source signal-conditioning unit 26 receives signals from signal sources 32 and control data from control computer 30. Users request services using remote control unit 114, the service request signals are stored in microcomputer 102 and then transmitted upstream to the transmit unit 28 in the head end terminal via coaxial cables 18 and distribution terminal 12. PIN-FET receiver 52 in the transmission unit receives the service request signals and sends to channel selection controller 56 via data detector 54. The channel selection controller 56 responds dynamically to the received service request signals by controlling the digital switch 40 and the control computer 30 so that the digital switch 40 interconnects the source signal conditioning unit 26 providing the television signal indicated by the service

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request signal received from a given subscriber terminal 14 with the upconverter 42 that frequency positions the television signal within the composite signal for transmission to the given subscriber terminal 14 via cables 18. The composite signal is received by the programmable FM tuner 96 and then provided to signal processor 100 via FM demodulator 98. The signal processor 100 extract the control data in the television signal and provides the control data to microcomputer to determine whether the extracted control data contains control signal enables the subscriber terminal to receive the television signal in the frequency channel to which the tuner 96 is then tuned. The signal processor 100 then provides the demodulated television signal to a television set or VCR or other television signal output device via line 112 (see figures 1-4). Thus, Paik teaches a home interface controller (subscriber terminal 14) wherein the information source means reads on the signal sources 32; the information service distribution network read on cables 16, distribution terminal 12 and cable 18; interactive controller reads on digital switch 40 which switch to different source signal in response to the request service signal from subscriber; data transceiver reads on demodulator 104 and modulator 106; selection input reads on IR receiver 108. It would have been obvious that television communication involves transmission of signals capable of full motion video and provide thereto an information service from the information source means over the network by the signal capable of full motion video in order to increase efficiency of services.



Regarding claim 2, Paik the data transceiver (demodulator 104 and modulator 106) is operative in a communications link over the network 18 (see figure 3).

Regarding claim 3, Paik discloses the headend terminal 10 operates in coordination with the control signals that are transmitted to the subscriber terminal for enabling reception of only selected frequency channels in the respective subscriber terminal 14, by frequency positioning the television signal indicated by the service request signal received from a given subscriber terminal 14 within the composite signal for transmission to the given subscriber over the given frequency channel enabled by the control signal that is transmitted to the given subscriber terminal 114 (see col. 4, line 45+). Thus, the data communication link is operative at a radio frequency independent of any frequency used for television communication over the network.

Regarding claim 4, Paik teaches the home interface controller (subscriber terminal 14) as discussed in the rejection of claim 1. Paik further teaches directional coupler 92 reads on television input and signal processor 100 reads on signal output as claimed (see figure 4).

Regarding claim 5, Paik teaches the data transceiver is operative in a communication link over network as discussed in the rejection of claim 2.

Regarding claim 6, Paik teaches the data communication link is operative at a radio frequency independent of any frequency used for telecommunication over the network as discussed in the rejection of claim 3.

Regarding claim 7, Paik teaches subscriber terminal 14 reads on the home interface controller as claimed wherein the data transceiver reads on demodulator 104 and modulator 106 for data communication with one of a plurality of headend terminal over a data link in the cable television system; IR receiver 108 reads on the selection input as claimed; directional coupler 92 reads on the television input as claimed; signal processor 100 reads on the signal output as claimed (see figure 4). It is obvious that the signal capable full motion video in order to full motion video service to users.

Regarding claim 8, Paik teaches programmable FM tuner 96 reads on the tuner as claimed (see figure 4).

Regarding claim 9, Paik teaches signal processor 100 reads on the processor as claimed (see figure 4 and col. 45-49). It is obvious that the compressed signal is decompressed in order to display on the TV screen.

Regarding claim 10, Paik teaches subscriber terminal as discussed in the rejection of claim 7. Paik further teaches the digital switch 40 switches to a source signal correspond to the service request signal (see figure 4). It is obvious to one of

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ordinary skill in the art that the "interactive process" provides digital full motion video in order to improve data transmission.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Campbell et al.** (US 4,536,791) teaches addressable cable television control system with video format data transmission.

**Johnson** (US 5,053,883) teaches terminal polling method.

**Morales Garza** (US 5,257,099) teaches central data processing station for satellite communication with local area audience response station.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
June 23, 2003